

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRIVADO MARKETING GROUP LLC, DC 115	:
CEDAR NR, LLC and DON COQUI HOLDING	:
COMPANY, LLC,	:
 Plaintiffs,	:
 v.	:
	Case No. 13-cv-3137-ER
 ELEFTERIA RESTAURANT CORP,	:
 Defendant.	:
-----	X
 ELEFTERIA RESTAURANT CORP and JOHN	:
MANGAN,	:
 Counterclaim Plaintiffs,	:
 v.	:
 PRIVADO MARKETING GROUP LLC, DC 115	:
CEDAR NR, LLC and DON COQUI HOLDING	:
COMPANY, LLC,	:
 Counterclaim Defendants.	:
-----	X

**DECLARATION OF ROBERT B. GOLDEN
IN SUPPORT OF DEFENDANTS' APPLICATION FOR
ATTORNEYS FEES AND COSTS**

I Robert B. Golden, declares and says:

1. I am a partner at the law firm of Lackenbach Siegel, LLP ("Lackenbach"), attorneys for defendants/counterclaimants Eleftheria Restaurant Corp. and John Mangan (collectively "Defendants") in the above-captioned action. I make this declaration based upon my own personal knowledge and from a review of the documents and records pertaining to this action.

2. In accordance with this Court's Order, dated December 20, 2016 (Doc. No. 102), that Defendants may submit to the Court an application for costs and attorneys fees, I am submitting this declaration in order to document the costs and attorneys fees billed by Lackenbach to Defendants in connection with the Court's Order, and the reasonableness thereof.

3. I am a 1992 graduate of Brooklyn School of Law, Brooklyn, New York. I am admitted to practice law in the State of New York, the United States District Courts for the Southern, Eastern and Northern Districts of New York, and the Second, Third, Tenth and Federal Circuit Courts of Appeals. I have also been admitted to practice in many other states on a *pro hac vice* basis, including the United States District Courts for the Central District of California, Northern and Southern Districts of Texas, Rhode Island, Massachusetts, Virginia, South Carolina and Utah, among others. I have been practicing law since I graduated law school.

4. I have been associated with Lackenbach since 1993. Lackenbach's practice is limited exclusively to intellectual property matters, including patent, trademark, and copyright cases. I am a partner at Lackenbach and have been for more than 15 years. Among my responsibilities, I am the head of the litigation group at Lackenbach. For the past 25 years, my practice has been devoted exclusively to intellectual property matter, and the vast majority of my time has been spent litigating such matters. I have extensive "first chair" experience, having litigated numerous cases through trial and having briefed and argued numerous federal appeals.

5. My current billing rate is \$550 per hour. Given my years of practice experience (25), subject area of practice, and the geographic location of my practice and this action, my billing rate is more than reasonable. This conclusion is based on, *inter alia*, the Report of Economic Survey 2015, (the "Survey") prepared under the direction of the American Intellectual Property Law Association Committee on Economics of Legal Practice, which reports on data

collected in 2014. The Survey reports that the “mean,” or average hourly billing rate for intellectual property partners in the New York City area is \$530, and the “Third Quartile” billing rate for attorneys is \$634. The relevant pages of the Survey are attached hereto as Exhibit 1.

6. Attached hereto as Exhibit 2 is a true and accurate copy of the Lackenbach invoice in connection with this matter. The invoices pertain to December 6, 2016 through December 20, 2016, the relevant dates for which billing has been completed. Work I personally performed is listed following the initials “RG.”

7. My assistant and paralegal, Mr. Eric Menist, also performed and billed work in this case. Mr. Menist, who at all times worked under my direct supervision, has over seven (7) years of experience as a litigation paralegal and has been the principal litigation paralegal at Lackenbach for over three (3) years. Mr. Menist is also an evening law student attending the Rutgers School of Law Newark, located in Newark New Jersey. He is currently in his second year there. After his first year of attendance, he received the award for the highest academic performance. Work performed by Mr. Eric Menist, which is billed at the rate of \$240 per hour, is identified by the initials “EM.”

8. The invoices accurately reflect contemporaneous time entries. That is, attorneys and staff at Lackenbach keep contemporaneous records of all work performed on behalf of clients of the firm. The contemporaneous time entries of individual attorneys and staff are then compiled, by client, so that single invoices can be prepared.

9. In litigating this action, normal and customary costs and expenses were incurred. These include Lexis computerized research charges, copying, delivery, and transcription charges. As with time entries, all costs and expenses are contemporaneously documented and entered.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Scarsdale, New York
March 2, 2017

LACKENBACH SIEGEL LLP

By: /s/ Robert B. Golden
Robert B. Golden (RG-6157)
Jeffrey M. Rollings (JR-6940)
One Chase Road
Scarsdale, New York 10583
(914) 723-4300
RGGolden@LSLLP.com
JRollings@LSLLP.com
*Attorneys for Defendant/
Counterclaimants*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of foregoing document was served on plaintiffs on March 2, 2017, via the SDNY ECF system, addressed to plaintiff's counsel as follows:

Ricardo E. Oquendo
The Chanin Building
380 Lexington Avenue, Suite 1773
New York, New York 10168
reo@roesq.com

Dated: Scarsdale, New York
March 2, 2017

/s/ Eric A. Menist
Eric A. Menist

Ex. 1

AIPLA

American Intellectual Property Law Association
Serving America's Legal and Creative Community

Report of the Economic Survey 2015

**Prepared Under Direction of the
American Intellectual Property Law Association
Law Practice Management Committee**

**Richard W. Goldstein, Chair
Donika P. Pentcheva, Vice Chair**

June 2015

Prepared by:



**910 Clopper Road, Suite 210N ■ Gaithersburg, Maryland 20878
TEL: (240) 268-1262 ■ ARI@associationresearch.com**

Average hourly billing rate in 2014 (Q29)*Private Firm, Partner*

		Average hourly billing rate in 2014						
		Number of Individuals	Mean (Average)	10th Percentile 10%	First Quartile 25%	Median (Midpoint)	Third Quartile 75%	90th Percentile 90%
All Individuals		402	\$471	\$300	\$350	\$425	\$529	\$709
Years of Intellectual Property Law Experience	5-6	6	\$255	ISD	\$232	\$258	\$278	ISD
	7-9	21	\$338	\$261	\$295	\$310	\$398	\$470
	10-14	55	\$389	\$288	\$312	\$375	\$450	\$500
	15-24	163	\$468	\$300	\$365	\$425	\$515	\$692
	25-34	100	\$517	\$331	\$400	\$483	\$588	\$870
	35 or More	54	\$553	\$353	\$409	\$508	\$653	\$855
Location	Boston CMSA	18	\$576	\$390	\$421	\$503	\$786	\$831
	NYC CMSA	30	\$530	\$337	\$368	\$400	\$634	\$995
	Philadelphia CMSA	14	\$510	\$325	\$450	\$480	\$556	\$778
	Washington, DC CMSA	71	\$534	\$350	\$400	\$485	\$640	\$824
	Other East	17	\$427	\$298	\$342	\$420	\$490	\$600
	Metro Southeast	12	\$439	\$306	\$331	\$430	\$538	\$606
	Other Southeast	11	\$379	\$306	\$330	\$340	\$400	\$600
	Chicago CMSA	26	\$452	\$338	\$375	\$415	\$521	\$591
	Minne.-St. Paul PMSA--	21	\$399	\$268	\$305	\$395	\$483	\$556
	Other Central	85	\$391	\$275	\$300	\$350	\$458	\$558
	Texas	25	\$501	\$298	\$370	\$440	\$598	\$860
	Los Angeles CMSA	9	\$561	ISD	\$405	\$575	\$660	ISD
	San Francisco CMSA	18	\$651	\$427	\$493	\$530	\$863	\$937
	Other West	45	\$411	\$272	\$338	\$400	\$478	\$530
IP Technical Specialization (>=50%)	Biotechnology	16	\$483	\$311	\$355	\$410	\$583	\$862
	Chemical	30	\$389	\$286	\$300	\$368	\$431	\$600
	Computer Hardware	5	\$348	ISD	\$275	\$350	\$420	ISD
	Computer Software	37	\$427	\$300	\$363	\$400	\$493	\$628
	Electrical	39	\$488	\$300	\$325	\$435	\$600	\$825
	Mechanical	84	\$436	\$298	\$341	\$405	\$500	\$591
	Medical/ Health Care	20	\$496	\$287	\$388	\$492	\$579	\$698
Age	Pharmaceutical	13	\$520	\$329	\$409	\$480	\$600	\$828
	Younger than 35	3	\$315	ISD	ISD	\$340	ISD	ISD
	35-39	29	\$348	\$250	\$268	\$300	\$383	\$480
	40-44	48	\$425	\$290	\$300	\$375	\$469	\$621
	45-49	75	\$457	\$300	\$350	\$415	\$515	\$720
	50-54	82	\$459	\$300	\$366	\$437	\$503	\$635
	55-59	64	\$515	\$348	\$400	\$483	\$595	\$795
	60 or Older	99	\$523	\$335	\$390	\$495	\$600	\$850
Gender	Male	349	\$477	\$300	\$360	\$430	\$550	\$725
	Female	48	\$433	\$300	\$300	\$400	\$500	\$620
Highest Non-Law Degree	Bachelor's Degree	268	\$464	\$300	\$350	\$425	\$510	\$701
	Master's Degree	86	\$474	\$297	\$343	\$408	\$550	\$802
	Doctorate Degree	23	\$456	\$315	\$335	\$438	\$585	\$648
Ethnicity	White/Caucasian	360	\$467	\$300	\$350	\$425	\$520	\$705
	Hispanic/Latino	6	\$540	ISD	\$493	\$550	\$605	ISD
	Asian/Pacific Islander	12	\$446	\$262	\$309	\$413	\$559	\$775
	Blended	7	\$385	ISD	\$275	\$400	\$475	ISD
	Other	3	\$937	ISD	ISD	\$1,000	ISD	ISD
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	32	\$386	\$300	\$301	\$373	\$450	\$507
	3-5	61	\$392	\$275	\$328	\$400	\$428	\$525
	6-10	58	\$407	\$289	\$326	\$400	\$475	\$550
	11-25	93	\$436	\$297	\$350	\$400	\$480	\$600
	26-50	71	\$487	\$303	\$380	\$450	\$515	\$696
	51-100	45	\$565	\$380	\$451	\$510	\$705	\$829
	101-150	20	\$640	\$408	\$505	\$600	\$720	\$971
	More than 150	21	\$733	\$480	\$594	\$795	\$868	\$942

Ex. 2

Lackenbach Siegel, LLP
 INTELLECTUAL PROPERTY ATTORNEYS SINCE 1923

Lackenbach Siegel Building
 One Chase Road
 Scarsdale, New York 10583 U.S.A.

Phone: (914) 723-4300
 Fax: (914) 723-4301
 E-Mail: mail@LSLLP.com

JOHN MANGAN
 C/O DON COQUI
 28-18 31ST STREET
 ASTORIA, QUEENS, NY 11102

Page: 1
 January 12, 2017
 Account No.: MANJO-GEN
 INVOICE NO.: 199791

ATTN: MR. JOHN MANGAN

LITIGATION

			<i>Hours</i>	
12/06/2016	EM	RE: DON COQUI MEETING WITH RBG, RE: MOTION TO DISMISS; LEGAL RESEARCH SAME; DRAFT MEMOS, RE: SAME.	1.10	247.50
	RG	RE: DON COQUI REVIEW PACER FOR EVIDENCE OF FILING OF NOTICE OF APPEARANCE; LEGAL RESEARCH; MOTION FOR DEFAULT JMT BY REASON OF APPEARING WITH OUT COUNSEL AND LACK OF PROSECUTION; BEGIN DRAFTING MOTION FOR DEFAULT JMT; RECEIVE AND STUDY NOTICE OF APPEARANCE (FILED LATE PER ORDER).	3.90	2,106.00
12/07/2016	EM	RE: DON COQUI RECEIVE AND STUDY NOTICE OF APPEARANCE; MEETING WITH JMR SAME; MEETING WITH RBG SAME.	0.20	45.00
12/08/2016	RG	RE:DON COQUI EDIT MOTION TO REFLECT PLAINTIFF'S LATE FILING; LEGAL RESEARCH SAME; ATTEND TO FILING.	2.10	1,134.00
12/16/2016	JMR	RE: CON COQUI REVIEW/ANALYZE NEW ATTORNEY RESPONSE, RE: LETTER MOTION; CONFERENCE EAM RBG.	1.30	650.00
	RG	RE: DON COQUI RECEIVE AND STUDY LETTER MOTION BY ECF; CORRESPONDENCE WITH CLIENT, RE: SAME; LEGAL RESEARCH POSSIBLE REPLY.	1.30	702.00

JOHN MANGAN

LITIGATION

Page: 2
 January 12, 2017
 Account No.: MANJO-GEN
 INVOICE NO.: 199791

12/20/2016

RG

	<i>Hours</i>
RE: DON COQUI RECEIVE AND STUDY ORDER; RE: MOTION TO DISMISS AND FOR SANCTIONS; CORRESPONDENCE WITH CLIENT SAME.	0.40
<i>PROFESSIONAL SERVICES RENDERED</i>	<u>10.30</u>
	216.00
	<u>5,100.50</u>
<i>BALANCE DUE</i>	<u>\$5,100.50</u>

WIRE TRANSFERS FOR LACKENBACH SIEGEL LLP

C/O: JP MORGAN CHASE BANK
 8 EAST PARKWAY
 SCARSDALE, NY 10583
 ABA NO: 021000021
 ACCOUNT NO.:250501456365
 SWIFT CODE: CHASUS33

**PLEASE NOTE THAT WE ALSO ACCEPT PAYMENT VIA ALL MAJOR CREDIT CARDS
(EFFECTIVE JANUARY 1, 2016, A 3% SURCHARGE WILL BE APPLIED) PLEASE CALL
 914-723-4300 AT EXTENSIONS 180 OR 181, AND VIA PAYPAL (WWW.PAYPAL.COM;
 MAZULAY@LSLLP.COM).**

THIS INVOICE IS PAYABLE WITHIN THIRTY (30) DAYS. ANY INQUIRIES MUST BE MADE
 WITHIN SUCH TIME, AFTER WHICH NO ADJUSTMENTS OR CORRECTIONS CAN BE
 MADE.